

[CERTIFIED TRANSLATION]

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[seal: Government of Puerto Rico]

STATUS REPORT AND CERTIFICATION DEPARTMENT OF PUBLIC SAFETY

EXECUTIVE COMMITTEE

Mr. Héctor M. Pesquera
Secretary, Department of Public Safety
Chairman, Executive Committee

Mr. Ricardo Martínez Rodríguez
Deputy Secretary of Administration
Department of Public Safety

Hon. Wanda Vázquez Garced
Secretary, Department of Justice

José Marrero Rosado, Esq.
Director of the Office of Management and
Budget

Michelle M. Hernández de Fraley, Ph.D.
Superintendent of Police

Alfonso Orona Amilivia, Esq.
Chief Legal Counsel to the Governor

Mr. Héctor G. González Arroyo
Safety Advisor to the Governor

Rafael Cabrera Crespo, Esq.
Director, Continuous Improvements and
Innovation, Office of the Associate
Secretary of the Interior

Mrs. Zulma L. Canales López
Deputy Superintendent of Managerial
Services

Dr. María Conte Miller
Member, Board of the Institute of Forensic
Sciences

Mr. Luis G. Romero Font
Founder, Basta Ya Inc.

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DEPARTMENT OF PUBLIC SAFETY
PUBLIC LAW NO. 20-2017

CERTIFICATION

In San Juan, Puerto Rico, June 27, 2017.

Pursuant to Public Law 20-2017 of April 10, 2017, the Safety Department Act, we, the members of the Executive Committee of Public Safety, established in accordance with Article 1.13 of said Act, issue the following:

CERTIFICATION

Pursuant to the provisions of Article 9.02 of the aforementioned Public Law 20-2017, the Executive Committee of Public Safety submits the corresponding report to the Governor of Puerto Rico, as required under Article 1.13 of said law. Said report includes the results of the presentations made by the agencies, their evaluations, and certifications, and it is used by the Committee to analyze the transfer of property, resources, and personnel as provided under such Law.

After the presentations and certifications made by the agencies and their representatives to the members of the Committee, we certify to the Governor of Puerto Rico, Hon. Ricardo Roselló Nevares that, based on the evaluation, the Department of Public Safety is ready to assume the functions delegated upon it by this law.

IN WITNESS WHEREOF, and in order to notify the Governor of the Government of Puerto Rico, Hon Ricardo Roselló Nevares, we issue this CERTIFICATION, at La Fortaleza, San Juan, Puerto Rico.

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REPORT

I. Preamble

Public Law 20-2017, supra, establishes that:

Article 9.07 – Effectiveness

This Law shall become effective one hundred and eighty (180) days after it has been passed. Nevertheless, Articles 1.03, 1.04, 1.13, 1.14, and 9.02 shall go into effect immediately. The Governor is authorized to appoint the Secretary of the new Department of Public Safety (DPS) immediately after this Law is passed. In turn, the Secretary is authorized to immediately establish the Executive Committee as set forth in the provisions of Chapter I of this Law so that during the period between the passing of the Law and the date it becomes effective a proper transition process can be started in accordance with the provisions of Article 9.02.

Additionally, in Article 9.02 – Transitory Provisions, it provides, among other things, that:

...

Within sixty (60) days after this Law is passed, the Executive Committee must submit a report to the Governor that includes the evaluation of the [agencies] that are to comprise the Department and recommendations from the Committee regarding the transfer of property, resources, and personnel pursuant to this Law. It will also certify to the Governor if, based on the evaluation conducted, the Department is ready to assume the functions delegated upon it through this Law.

...

To these effects, we clarify that the Secretary of the DPS has to be named before the Executive Committee could be appointed. To these effects, we clarify that the appointment of the Secretary was effective March 9, 2017, and the Committee was appointed on May 11, 2017. Hence, May 11 is the date on which the term for the Executive Committee Certification and Report begins to run, May 11, 2017.

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II. Executive Summary

The objectives of the DPS are outlined in Public Law 20-2017. These objectives require using improving [sic] fiscal resources and human capital by consolidating the effort, work, and collaboration of the seven (7) components of government into one single public safety component. Likewise, the creation of the DPS, its Secretary will have the power to coordinate the efforts of all ascribed bureaus in order to protect, investigate, and/or prevent criminal activities or emergency situations in Puerto Rico and to work cohesively with entities of U.S. Homeland Security.

Through Public Law 20-2017, the DPS the services [sic] it provided previously: The Puerto Rico Police Department, the Fire Department, the Medical Emergency Corps, the Commonwealth Agency for Emergency Management and Disaster Management, the 9-1-1 Emergency System, the Forensic Sciences Institute, and the Bureau of Special Investigations (NIE, Spanish acronym). Also, the interaction of each agency's information systems shall be implemented.

The Executive Committee has evaluated the reports from task forces at each agency and interagency groups to determine if the requirements established under the Law for this first certification are met. During this first phase, we have reviewed reports and relied upon certifications submitted to us by the heads of the different components are to comprise the DPS. The Committee uses this information to make recommendations regarding the transfers of property, resources, and personnel pursuant to this Law. We also hereby certify to the Governor that, based on the evaluation, the DPS is ready to assume the functions delegated upon it through this Law.

There is much work ahead for the Executive Committee, but it will be possible thanks to the team's commitment to the success of this consolidation and the objectives for which the DPS is created. In the next certification, we will detail the progress of the specific plans that support DPS' capacity to fulfill its duties pursuant to the Law.

III. Current Situation – Certification and transition, as established in Article 9.02 of Public Law 20-2017.**a. Rule of Law**

Within sixty (60) days after this Law is passed, the Executive Committee must submit a report to the Governor that includes the evaluation of the agencies that are to comprise the DPS and the Committee's recommendations regarding the transfers of property, resources, and personnel pursuant to this Law. It will also certify to the Governor whether, based on the evaluation, the DPS is ready to assume the functions delegated upon it under this Law.

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Consolidation of the agencies, entities, or instrumentalities included under the umbrella of the DPS shall not commence until the Office of Management and Budget certifies the estimated savings resulting from such consolidation and the Executive Committee certifies that the DPS is ready to assume the duties delegated upon it through this Law and until the continuity in the flow and receipt of federal funds for each agency is guaranteed. The Secretary of the DPS will certify to the Governor when these requirements have been met, so that the consolidation of the entities under the umbrella of the Department of Public Safety can commence in an orderly fashion. The Governor is also authorized to instruct the Secretary, should he or she deem it necessary, to carry out the corresponding transfers in phases in order to fulfill the purposes herein provided. The consolidation of the Puerto Rico Police Department must comply with what is set forth in the Agreement between the U.S. Department of Justice and the Government of Puerto Rico for the Sustainable Reform of the Puerto Rico Police Department. The merger established under this Law, as it regards the Puerto Rico Police Department, shall be carried out in coordination with the federal authorities that form part of and/or supervise the Agreement for the Sustainable Reform of the Puerto Rico Police Department. For the remainder of the 2016-2017 fiscal year, and until the consolidation established herein is completed, the Executive Committee shall operate with the funds originally allocated to the agencies that will become bureaus pursuant to this Law. In fiscal years thereafter, the Secretary shall be duty bound to prepare, request, process, receive, formulate, and execute the budget corresponding to the Department, including its Bureaus.

b. Committee's Responsibility

Below are the short- and long-term responsibilities of the Executive Committee, once the sixty (60) day Certification has been submitted, as set forth in Article 1.14 of Public Law 20-2017.

- 1) Achieve full integration of the agencies that comprise the Department.
- 2) Design the fiscal system and operational guidelines that will enable financial resources to be administered, and to ensure an agile transition of the federal funds allocated to the agencies that comprise the Department.
- 3) Design the operational guidelines for the evaluation and placement of new and existing personnel.
- 4) Help the Secretary of the Department integrate the different Bureaus quickly.
- 5) Help the Secretary of the Department to design and implement any new regulations that are necessary for an efficient operation and sound administration.
- 6) Help the Secretary of the Department to design and implement a training program for the Department's personnel.

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- 7) Design and implement an evaluation program for Department personnel based on the objective criteria of effectiveness, level of performance, and productivity of their functions.
- 8) Identify any amendment or legislation needed for the Department to function better.
- 9) Evaluate the distribution of the operational regions of the Bureaus in order to recommend the creation, consolidation, reorganization, or elimination of same and eventually achieve uniformity among all the Bureaus in the regions.
- 10) Adopt any internal regulation needed for the Committee to operate.
- 11) Prepare a detailed progress report every sixty (60) days and submit it to the Office of the Governor as well as the respective offices of the secretary of the Legislature.
- 12) Analyze the programs of each agency and recommend to the Secretary the changes to the structure of programs and accounts, with the collaboration of the Office of Management and Budget, so as to ensure federal funds and special funds remain permanent.
- 13) Take an inventory of all personal and real property of all the agencies that will become Bureaus of the Department.

c. Responsibilities of the Secretary

Below are the short- and long-term responsibilities of the Secretary, as established in Article 1.05 of Public Law 20-2017.

- 1) Be responsible for the hierarchical authority, administration, and immediate supervision of the Department of Public Safety.
- 2) Determine, by regulation, the functional organization of the Department and its components.
- 3) Establish the order of succession in the event of his or her absence, incapacity, or death.
- 4) Designate a Deputy Secretary of Administration, who will ensure effective communication between the Department and the bureaus. He or she may also assign any functions he or she deems pertinent. Appoint all personnel needed to effectively fulfill objectives of this Law.

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- 5) Serve as the direct liaison between the Governor and the Department of Public Safety.
- 6) Develop public safety and emergency management policies, and propose to the Governor actions, programs, and strategies for developing these policies.
- 7) Plan, organize, supervise, coordinate, administer, direct, and control all activities that are developed in the Bureaus created by virtue of this Law.
- 8) Ensure that the personnel of the Department and its bureaus are highly trained in matters of investigation, public safety, and protecting citizens.
- 9) Manage and supervise managerial and fiscal services, among other things, of each one of the Bureaus.
- 10) Apply the laws, norms, regulations, memoranda of understanding, and directives related to the services provided by each one of the Bureaus.
- 11) Administer the budget set aside for the Bureaus for the services they offer and budget projections.
- 12) Adopt any rules and regulations needed to perform the functions delegated upon it and [to ensure] the highest level of quality in the services to be offered to the public.
- 13) Adopt any internal regulations needed to ensure the operation of the Department and to integrate and effectively offer all its services.
- 14) Adopt the rules and regulations needed to establish the starting requirements, obligations, responsibility, and conduct of the Department's personnel.
- 15) Make provisions in the internal regulation about everything concerning contracting the members of the Board of Medical Evaluation and the Board's procedures.
- 16) In conjunction with the Governor, establish public policy on all matters of local and national security, emergencies, disasters, and criminal investigation. Implement public policy established by the Governor with respect to the matters of security, emergency, disasters, and criminal investigation.
- 17) Integrate the local security system with the U.S. Homeland Security system.

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- 18) Develop and implement the Commonwealth Plans, including, Anti-Crime Plan, Natural Disaster Plan, Catastrophe Plan, Operation Continuity Plan, Mitigation Plan, and any other plan required by local and federal regulations. Advise the Government about Department-related regulations, processes, and actions.
- 19) Coordinate with federal agencies to guarantee the public safety of the people of Puerto Rico.
- 20) May award medals for bravery, as provided by Regulation.
- 21) Establish the Department of Public Safety Band. Establish the Department of Public Safety Corps of Chaplains.
- 22) May exercise any power needed for the proper operation of the Department that is not in conflict with this Law.

d. Purpose of the Process

The Department of Public Safety, as defined in Article 1.03 of Public Law 20 of April 10, 2017, shall have, without being limited to, the following functions:

- 1) Reorganize, reform, modernize, and strengthen our instruments of public safety at the local level so as to increase their capacity, efficiency, and effectiveness. Effectively integrate all services offered by the Department and its Bureaus.
- 2) Operate as a first line of defense focused on preventing crime, handling emergencies, and protecting the public. Prevent abuse and protect the rights and liberties of citizens in order to construct a solid base with the full trust of the citizens.
- 3) Coordinate all government resources and private sector resources to quickly and effectively provide the services required before, during, and after an emergency so that the life and property of the citizens are guaranteed.
- 4) Coordinate all of the Department's services with the Municipalities and their security agencies.
- 5) Protect the life and property of all the citizens. Coordinate with federal public safety agencies to maximize resources.

Based on the above, managing Puerto Rico's safety and emergency response component in the 21st Century requires a comprehensive approach. To deal with the risks and threats of this and future centuries, Puerto Rico must maximize its safety and protection resources, first by consolidating its efforts and integrating with national security, and second by creating the measures to professionalize its safety and emergency response personnel so they may work as a team, work as a single unit, and keep their skills and expertise constantly up to date.

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IV. Integration with the Government Transformation Plan and Fiscal Plan (Right-sizing)

Upon the publication and approval of Puerto Rico's Fiscal Plan, the Fiscal Agency and Financial Advisory Authority (FAFAA) and the Commonwealth Office of Strategic Programming (OPEE, Spanish acronym) have integrated the transformation efforts of several groups of agencies, including the DPS. This presents a framework of programmatic and fiscal implementation that is in keeping with the objectives of Public Law 20-2017. Also, it was able to advance some of the commitments outlined in said Law. To those effects, Figure 1 shows the strategic fiscal framework representing the integration of security agencies based on a specific timeline that is directly reflected in the Implementation Plan and the provisions of Public Law 20-2017.

To this end, a structure was created to address the transformation approved in the Fiscal Plan, which was designed to serve as a means of advice for the OPEE AND FAFAA, and as a formal instrumentality for the family of agencies that are to be transformed. The basic structure is outlined in Figure 2. The four strategic areas in support of the Fiscal Plan (Personnel, Contracts, Facilities, and Services) are deemed an initial priority, and subsequently the Operations, Finances, Technology, Communications groups have been added thereafter, to be soon followed by Federal Funds.

Figure 3 shows the relationship and matrix of responsibility for each key activity. To ensure the greatest efficiency possible, several heads of agencies were named as "Owners" (PR Police – Headcount; 911 Services; AEMEAD/CBPR – Facilities and NIE - Contracts). This way, in the direct part of their Bureaus, the "Owners" of each function also have the greatest proportion in terms of the volume of work in each area.

Figure 4 shows how the process for transferring federal funds to the new entity is defined. It was developed by OPEE and the Federal Opportunities Center (FOC) of the Government of Puerto Rico. The administrative functions of federal funds should not be affected since details on the bureaus as legal entities remain autonomous until the DPS is fully integrated.

Figure 5 is the model structure that served as the framework of reference for the legislation and it shall be the guideline for the systemic integration of the Agencies that comprise the DPS.

Figure 6 shows the implementation scheme of the New Government Programmatic Commitments of Plan for Puerto Rico, the Fiscal Plan initiatives, and the supervision interaction of the OPEE and FAFAA.

The file accompanying this report is reference material of the work done up to now by the OPEE team.

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Figure 1 - Key Services to be Transformed

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Figure 2 – Enabling the Transformation

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Figure 3 – Transformation Team

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Figure 4 – Transfer of Federal Funds between Agencies (FOC)

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Figure 5 – Model Structure

[table is already in English]

Figure 6 – Comprehensive Model of Programmatic Implementation, Monitoring, and Fiscal Oversight

[table is already in English]

CERTIFICATE OF TRANSLATION INTO ENGLISH

I, Sonia Crescioni of legal age, single, resident of San Juan, P.R., professional interpreter/translator, certified by the Administrative Office of the United States Courts, do HEREBY CERTIFY that I have personally revised the foregoing document and that it is a true and accurate review to the best of my knowledge and abilities.

In San Juan, Puerto Rico, today January 22, 2017.



Sonia Crescioni, M.A., U.S.C.C.I.
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